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January 21, 2021

By Email

Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Elizabeth Achan*, 20 Cr. 87 (LTS)

Dear Judge Swain:

Elizabeth Achan is a single mother of two children who has overcome unspeakable trauma in her 43 years. The [REDACTED]

[REDACTED] Ms. Achan has struggled to build a stable emotional life for herself. At the same time, she has worked consistently since age 16 to try to achieve financial stability and has shown up time and time again for her family as a devoted mother, aunt, sister, and daughter.

From 2015 to 2018, overwhelmed by her life and her financial obligations, Ms. Achan made the inexcusable decision to steal from her employer. She now comes before the Court for sentencing on two counts of wire fraud under 18 U.S.C. § 1343. Ms. Achan has accepted responsibility for her actions by pleading guilty, agreeing to pay restitution and forfeiture, each in the amount of \$595,994.14, and searching herself for answers about what led her astray. She now realizes that, although her conduct may have been motivated by a desire to support her children and family, her actions jeopardized them far more seriously by placing her at risk of being taking away from them. See Exh. A, Letter of Elizabeth Achan, at 1.

Based largely on the amount of loss at issue, the parties have stipulated to an advisory Sentencing Guidelines range of 33 to 41 months. But a significant downward variance, in the form of a noncustodial sentence, is appropriate for Ms. Achan. The Probation Department agrees that the “nature of the instant offense and the defendant being her children’s sole provider and caregiver” militate against a term of imprisonment for Ms. Achan and in favor of a sentence that will allow her to remain at home. See Presentence Report (“PSR”) at 22. For these reasons, and because imprisonment is unnecessary to prevent Ms. Achan from future crime or rehabilitate her, I urge the Court to impose a noncustodial sentence in this case.

I. Background

Elizabeth Achan was born in 1977 in Berbice, Guyana. *Id.* ¶ 56. Her parents, Anthony Achan and Chandanie Prearaj Achan, had been thrust together in a loveless arranged marriage that ultimately came to be defined by the [REDACTED] *Id.* ¶ 58. Ms. Achan was the couple's eldest child, followed by Margaret, Hamlet, and John. *Id.* ¶ 57.

When Ms. Achan was only six-years-old, she immigrated to the United States with her father and siblings. *Id.* ¶ 62. Her paternal grandparents, who had already moved to New York, sponsored each of their kids to come to the United States, ending with Anthony, who brought his children with him and sponsored his wife about five years later. *Id.* It pained Ms. Achan to leave home without her mother and to watch her mother's separation from her brother John, still a breastfeeding infant at the time of their departure.

In New York, they moved into a railroad-style apartment in Greenpoint, Brooklyn with Ms. Achan's grandparents, uncles, and aunt. Ms. Achan, her father, and her three siblings all slept on the floor in the hallway. Her grandmother, Eileen, served as the kids' primary caretaker and started training Ms. Achan, still a child herself, to cook, clean, and take care of babies. [REDACTED]

When Ms. Achan's mother, Chandanie, finally joined them in New York, Ms. Achan was in junior high school. They remained at Anthony's parents' apartment, sleeping in the hallway, for at least a year before they were able to move out on their own to a one-bedroom apartment in Queens, where Ms. Achan's parents shared one bed and all four kids shared another. Eventually, they moved into a larger apartment, where Ms. Achan and her sister had a room of their own. Although Ms. Achan was relieved to be reunited with her mother, her joy was marred by her father's iron-fisted control over her every movement and [REDACTED]

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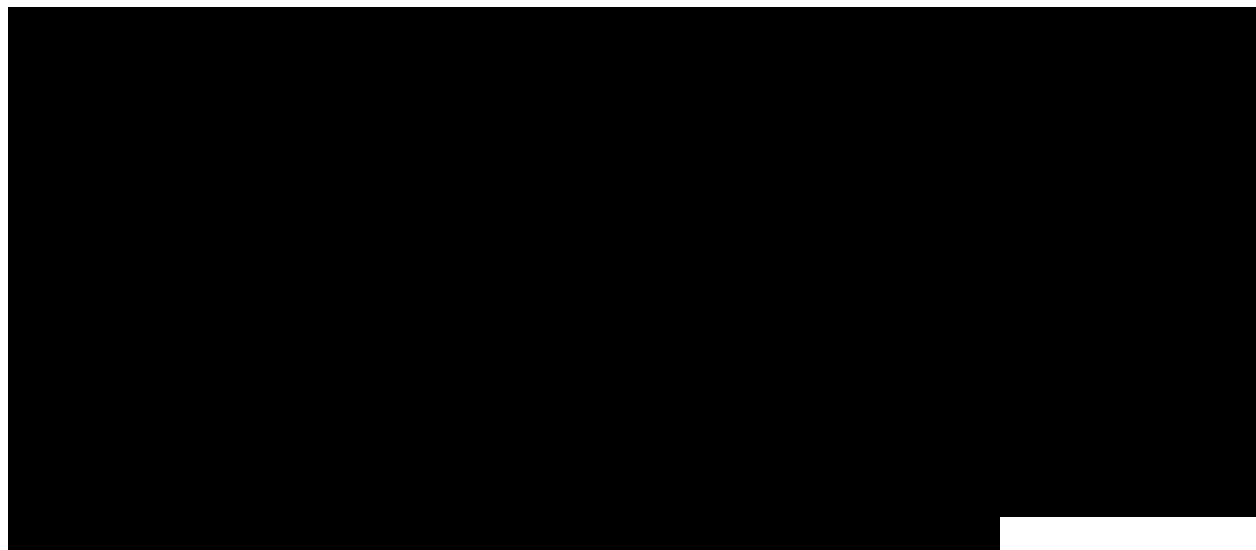
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As the oldest child, Ms. Achan took on significant responsibility at home, helping to raise her siblings while both of her parents worked. *Id.* ¶ 58. She had very little freedom as she progressed into her teenage years because of her childcare obligations. As her brother Hamlet describes, “Elizabeth was the oldest and responsible for us all. She had to grow up fast and take on a lot of responsibility.” Exh. C, Letter of Hamlet Achan, at 1.

[REDACTED]

[REDACTED]

[REDACTED]



This episode was not just traumatizing; it also shaped Ms. Achan's high school experience in a way that had lasting repercussions for her future. She had started high school at Herbert H. Lehman in the Bronx. When she moved to Brooklyn, her aunt decided to enroll her in a Catholic school in Queens but changed her mind a few months later due to the cost of tuition and switched Ms. Achan to a third high school, Eastern District High School in Brooklyn, to finish her freshman year. So when her father ordered her to move home to the Bronx, she continued commuting two hours each way—via the 6, E, G, and L trains—to Eastern to avoid disrupting her studies again. When Ms. Achan turned 16, she got an after-school job working in a real estate office. She gave half her salary to her parents and saved half to buy things for herself and her siblings. But she was exhausted from spending four hours a day on the train, trying to do her best in school, working, and returning home at 11:30 p.m. each night. Although she was a good student, she was under too much pressure to succeed. She started to fear she was not on track to graduate on time, which would have enraged her father, so she decided to drop out and get her GED instead. Id. ¶ 68.

That same year, 1995, she started college at the College of New Rochelle. Id. She was 17-years-old, and she was determined to get out of her parents' house, even if she felt guilty leaving her mother and siblings behind. In order to afford an apartment of her own and manage her financial aid and loan obligations, Ms. Achan worked two jobs while taking a full course load. In between classes and during the afternoons, she fulfilled her work study obligation by working around campus. Every night, until 2 a.m., she pulled shifts at a local diner. After four years in college, Ms. Achan did not have the credits she needed to graduate and was desperate never to return home, so she dropped out to focus on earning a living. Id.

There is no doubt that Ms. Achan's difficult upbringing—including the turmoil of her high school years and the financial hardship she was so eager to escape—shaped the opportunities available to her as an adult. Had she received her high

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school diploma instead of her GED, and had she finished college, she would have had access to job opportunities that are foreclosed to her in light of her resume. Although Ms. Achan has worked consistently since age 16, and worked full-time since leaving college in 1999, she has been less upwardly mobile than she once dreamed of becoming. At one point, after she was already a parent, she attempted to complete her college degree by taking classes through the University of Phoenix online, but she was unable to balance work, parenting, and classwork.

[REDACTED]

In a life defined by unimaginable trauma, Ms. Achan's children—[REDACTED] and [REDACTED]—and her nephew—Hamlet Jr.—have been the brightest lights. They are the most important thing in the world to her.

¹ It was during her relationship with Keith, in 2004, that Ms. Achan was arrested for grand larceny in Westchester County. PSR ¶ 49. At the time, Keith had ceased paying their rent and utilities, and Ms. Achan repeatedly returned home to an apartment that had no lights or was plastered with eviction notices. She was placed on probation for five years, which she completed successfully, and paid her restitution in full.

Hamlet Jr. was born in 2001, to Ms. Achan's younger brother and his alcoholic girlfriend. When the baby was three-months-old, his mother dropped him off at Ms. Achan's parents' house and announced that he was now their responsibility. From the beginning, Ms. Achan played such a major role in his care that, in his letter to the Court, Hamlet Jr. refers to her as his "Aunt/Mother" and writes, "She has always taken care of me like her own since I was born." See Exh. D at 1. Ms. Achan took him to school, read him stories, taught him to read and write, and took him on outings. It was Ms. Achan he turned to when he needed help with algebra homework or an essay assignment. Id. When he graduated from high school, Hamlet Jr. presented Ms. Achan with a flower and told her that he had made it through because of her. Today, he is in his second year at Bronx Community College. He is studying criminal justice and hopes to transfer next year to John Jay.

██████ was born in 2006, near the end of Ms. Achan's relationship with Keith Francis. PSR ¶ 61. Now 15-years-old, she is in the 10th grade at ██████████. An honor student who once talked about becoming a pediatrician or veterinarian when she grows up, ████████ has lately professed a desire to become a lawyer. Starting next year, she will be able to earn college credits while still in high school to help her on that path. In her free time, ████████ likes to dance, read, write, and—like most teenage girls—gab on the phone with her friends.

Six-year-old ████████ was born in 2014. Id. He is now a first-grader at ████████ in the Bronx. ████████ is extremely attached to Ms. Achan. While he enjoys being outside, riding his bike, and playing basketball, he sticks by her side whenever he is home. He likes to cook, read, and watch cartoons with her, and he will bring his toys and games into whatever room she's in, just to be closer. See Exh. D at 2.

Ms. Achan and ████████

Ms. Achan and ████████

Unfortunately, both [REDACTED] father and [REDACTED] have always been absent from their lives. PSR ¶ 61. [REDACTED] dad, Keith, was never interested in having a relationship with [REDACTED] if Ms. Achan would not stay with him, and he refused to spend any time with his daughter at all, declining to take her for even a single weekend. For the last nine years, he has been obligated to pay child support, but his payments come directly from his paycheck, and when he is not working—as is the case right now—he pays nothing. [REDACTED] dad, meanwhile, has not contributed a dime. After [REDACTED] birth, he stayed around briefly with the intention of helping out. But he was immature and drank to excess, and Ms. Achan decided it was safest for him to leave. He does not work, or works off the books, and has never paid child support.

And so Ms. Achan alone has shouldered the burden of making sure her kids' financial, emotional, and developmental needs are met. With the exception of the limited and unreliable child support payment she receives from Keith, it is her salary alone that sustains the household. She alone is responsible for helping her kids with their schoolwork and comforting them when they are struggling. She is dedicated to making sure her kids have more resources and opportunities to succeed than she had during her own childhood, and that their family home is a place of love and tranquility. Amidst the chaos of life as a working parent, she makes time to cuddle and read with them, and she insists that the three of them sit down together for family dinner whenever they can.

II. Offense Conduct

As noted above, Ms. Achan has worked consistently since she was a teenager, displaying skill and dependability in each job, as evidenced by her track record of remaining in most positions for many years. PSR ¶¶ 72-74. In December of 2014, she was hired as a full-time bookkeeper with [REDACTED] in the Bronx. *Id.* ¶ 71. She was pleased to reenter the workforce—She had left her last job when the owner of the company had a stroke and decided to sell, and then she had [REDACTED] but she was disappointed by her starting salary of \$37,000, a significant demotion from her prior position. *Id.* ¶¶ 71-72.

Unfortunately, it did not take long for Ms. Achan to feel that her workplace was an unsafe and hostile one, and that her work was undervalued. Her immediate supervisor was an alcoholic, who drank on the job and called out so frequently that Ms. Achan essentially performed his job along with her own. When he was fired, she formally assumed his role. But whereas he had been paid \$90,000 annually, she got a raise only to \$60,000 when she assumed all of his duties. In addition, as she settled into the company, two of its owners began subjecting her to intense sexual harassment. They made lewd comments, touched her on the waist, legs, and back, and invited her to spend time with them outside of work. Ms. Achan felt degraded and objectified. When she tried to discuss this demeaning treatment with another one of the company's owners, he was dismissive. She began to notice their

exploitation of other employees—women who were treated in an abusive fashion, workers who were underpaid for their labor.

At home, meanwhile, she was struggling. [REDACTED] was still an infant. [REDACTED]

[REDACTED] After she went back to work, Ms. Achan was paying a babysitter to care for [REDACTED] full-time while she tried to balance the responsibilities of her new job with her responsibilities to [REDACTED] and [REDACTED]. She was anxious about how to make ends meet—to cover rent, utilities, insurance, car payments, groceries, and the babysitter's salary, not to mention clothing and other necessities for the kids. She was desperate for her kids to have more than she did growing up. And she was also helping her siblings, who were each battling their own financial hardships. She sent money to Pennsylvania to help John buy groceries for his family. She bought bedroom furniture for his daughter when she learned that the girl was sleeping on the floor, the way Ms. Achan had done as a child. She wanted to provide for everyone.

Feeling depressed and under-appreciated, in a moment of rage at work, Ms. Achan made the ill-conceived and inexcusable choice to cut herself an extra paycheck in the name of an employee who had retired. *Id.* ¶¶ 11-16. Reflecting on her actions, she is deeply ashamed. She realizes that she abused her position at the company, took money to which she was not entitled, and—in so doing—implicated a former colleague in a very stressful situation. *Id.*

Ms. Achan's alarming lack of judgment is evident in the fact that, when she was nearly caught issuing herself a paycheck in her former colleague's name, she continued to defraud the company. There is some dispute about the nature of the second scheme alleged in this case: The Government maintains that Ms. Achan was manually blocking payments into other employees' retirement accounts, paying them instead into her own bank accounts. *Id.* ¶¶ 19-25. But Ms. Achan was not intentionally blocking benefit or retirement payments. She was cutting herself an additional paycheck, to which she was not entitled, at a time when she was overwhelmed at work, managing the company's payroll entirely on her own, and struggling to keep up, which led to issues in the administration of the retirement savings program. Yet, there is absolutely no dispute about the fact that Ms. Achan was stealing from the company during the relevant time period.

Ms. Achan has nothing to show for her illegal conduct. She did not move into a bigger home or purchase luxury goods. She did not live extravagantly. She simply

lived with less financial anxiety as a single mother of two kids in New York City and felt freer to buy things for her kids and extended family.

But Ms. Achan is well aware that there is no justification for her choice to take money from the company over a period of years. She recognizes that neither her own financial necessity nor the mistreatment she felt she was suffering at work can excuse her conduct. And she makes no excuses for her behavior. To the contrary, she writes to the Court:

There is not any excuse for what I have done. I have been living everyday with the guilt and shame hoping I can be forgiven by each and everyone that has been affected by what I did. Your Honor, there is not a day that goes by that I do not think about what I have done. Living each day with the guilt, shame and disappointment in myself wishing I could turn back time and make the right decision. Thinking about every person I have hurt because of my actions has taken such a [toll] on me because I am not a horrible person but what I did was wrong.

Exh. A at 1. And she has voiced the same feelings of shame and regret to her family. Her nephew writes, “I can’t tell you have many conversations we’ve had where she has expressed her feelings of remorse.” Exh. D at 1.

III. Post-Offense Conduct

Ms. Achan was arrested on October 30, 2019 and released that day with agreed-upon bail conditions, including pretrial supervision as directed and travel limited to the Southern and Eastern Districts of New York. During the nearly 15 months since her release, Ms. Achan has been fully compliant with pretrial supervision. PSR ¶ 8. She has maintained her employment as a customer services representative for [REDACTED] a bindery equipment manufacturer in Garden City, where she started working several months prior to her arrest. *Id.* ¶ 69.

Yet it has been a devastating period for Ms. Achan and her family. As she was processing her arrest and prosecution in this case, her father contracted COVID-19 and ultimately died on May 3, 2020 of complications from the virus. [REDACTED]

[REDACTED] due to hospital pandemic protocols, no one in the family was able to visit him during his final days. *Id.* ¶ 66. After he passed, the terrible task of identifying his body over video fell to Ms. Achan. *Id.* And, understandably, his death has opened a flood gate of still-unprocessed memories regarding the [REDACTED]. She is left with contradictory and complex emotions. On the one hand, her father was caring in his own way. He worked hard every day for many years to feed, clothe, and support them all. [REDACTED]

[REDACTED]

And because everyone in the family was struggling to process their feelings, Ms. Achan felt unable to discuss her own mixed-up emotions with the only people who might understand. Id. But she is now wise enough to know the importance of working through such an ordeal. A few months ago, she began attending a weekly online support group for people who have lost family members to COVID-19. Id.

Since the death of her father, Ms. Achan has taken on yet another caretaker role, this time on behalf of her mother. Id. ¶ 63; Exh. C at 2. Ms. Achan is trying to support her mother emotionally and help her with errands and medical appointments. As Hamlet Jr. describes, following her father's death, she "pretty much lived down [in her mother's apartment] the first 4 months. She kept [her mother] company, she always cheered her up, took her to [H]ome [D]epot or the supermarket, cooked with her, and most importantly tried to make sure nobody took advantage of her." Exh. D at 1. She did this all, Hamlet Jr. notes, "[a]ll while mourning [her father] herself and dealing with her case." Id.

Totally aside from the loss of her father, the last year has been profoundly challenging for Ms. Achan as a working parent. Both [REDACTED] and [REDACTED] have been in remote school since March of 2020. Last year, [REDACTED] was still in kindergarten, and this year, he is in first grade, still requiring significant supervision as he attends classes by video. Although Ms. Achan worked remotely for the first few months of the pandemic, she was summoned back to the office part-time around June. She now reports to work three days a week and works remotely two days a week. When she is working remotely, she assists [REDACTED] with his schooling. When she is at work, she must rely on [REDACTED] who is trying to cope with her own remote classwork.

Throughout all this, Ms. Achan has been coming to terms with the consequences of her crimes. She is frequently moved to tears, thinking about how her conduct reflects on her as a person and about how her conduct might result in her separation from her children, an outcome that feels truly unbearable to her. On October 1, 2020, Ms. Achan pleaded guilty to Counts One and Two of the Information, each charging her with wire fraud. She also agreed to pay restitution, in the amount of \$595,994.14, to [REDACTED] and to forfeit the same sum.

IV. Appropriate Sentence

In determining a just and appropriate sentence, this Court takes as its "lodestar the parsimony clause of 18 U.S.C. § 3553(a)." United States v. Douglas, 713 F.3d 694, 700 (2d Cir. 2013). That provision directs sentencing courts to "impose a sentence sufficient, but not greater than necessary, to comply with' the factors set out in 18 U.S.C. § 3553(a)(2)," i.e., "proportionality, deterrence, incapacitation, and

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rehabilitation.” *Id.* In Ms. Achan’s case, the § 3553(a) factors support the imposition of a noncustodial sentence.

Ms. Achan’s prosecution in this case came as a much-needed wake-up call, and she requires no period of imprisonment to be deterred or incapacitated from future crime. Since her arrest in October of 2019, she has wrestled with the immorality and illegality of her actions as well as with the horrifying possibility of a punishment that could separate her from her children. She has no feasible plan regarding who would care for them in the event of her incarceration, a possibility that increasingly keeps her up at night. Her mother suffers from diabetes, sciatica, and knee problems that limit her mobility. She does not believe that she is capable, at her age, of taking care of two energetic kids, especially 6-year-old [REDACTED] PSR ¶ 63.

In terms of proportionality, Ms. Achan will be punished severely for her wrongdoing even without any term of incarceration. Going forward, she will carry the mark of this serious felony conviction, which may present significant challenges to her ability to keep her job or find future employment. She will spend years paying back the money she stole, a timeline that would only be delayed by her incarceration and resulting unemployment. And she will never shake the shame that her arrest and conviction in this case have prompted when discussing her conduct with loved ones or looking at herself in the mirror.

To the extent that Ms. Achan requires rehabilitation, I believe that she would benefit from outpatient therapy or mental health treatment to help her process the extraordinary trauma she has endured during her lifetime. A prison sentence on the other hand, would have no utility for Ms. Achan’s rehabilitation.

V. Conclusion

For the foregoing reasons, including the extreme hardship Ms. Achan has suffered during her life, the significant unlikelihood that she ever reoffends, the hefty restitution obligation that she must begin to repay, and the needs of her minor children, I respectfully urge the Court to impose a noncustodial sentence in this case, which is “sufficient but not greater than necessary” to achieve the statutory purposes of sentencing.

Respectfully submitted,

/s/ Ariel Werner
Ariel Werner
Assistant Federal Defender
917-751-2050

cc: Thomas John Wright, Assistant U.S. Attorney

EXHIBIT A

January 10, 2021

Honorable Judge Laura Taylor Swain
United States District Judge

Dear Judge Swain,

My name is Elizabeth Achan, I am a single mother of two children, [REDACTED] (15 years old) and [REDACTED] (6 years old) whom I have raised on my own. I am writing you this letter to express my deepest apology and regret for the crime I have committed. There is not any excuse for what I have done. I have been living everyday with the guilt and shame hoping I can be forgiven by each and everyone that has been affected by what I did.

Your Honor, there is not a day that goes by that I do not think about what I have done. Living each day with the guilt, shame and disappointment in myself wishing I could turn back time and make the right decision. Thinking about every person I have hurt because of my actions has taken such a toll on me because I am not a horrible person but what I did was wrong. The day I was arrested was one of the worse days of my life. The thought of not seeing my children again and knowing the consequence I was facing because of my actions scared me more than I can explain. What I did was wrong and I will never break the law again to be in this situation when my freedom and children will be taken away from me. Each day I look back with regrets wishing I didn't do what I did but I can't turn back time but only move forward each day and focus on being a better person, mother and daughter.

I have had a lot of struggles and difficulties in my life but I've always tried my best to be there for everyone especially my children. During the time I committed the offense I was going through a lot financially, emotionally and mentally. Even though [REDACTED] I always wanted to make it a better life for my children. Being a single mom where neither of their fathers are in their lives, I wanted to make sure my children had what they needed along with paying my expenses. Not only am I their mother but I am also their father and never wanted them to feel the pain of not having their own fathers. I cannot express how much my children means to me and the thought of not being in their lives is devastating because they only have me. I've always tried my best to provide for them and give them the things I didn't have growing up. All I wanted was to

make them happy and provide for them as much as I can because they didn't have their fathers in their lives. I wanted to make sure they never felt that void and I tried my best to make them happy. By trying to be the best parent for them I made wrong choices which I regret badly and something I will never do again. Your Honor I will never make a mistake again that can make me lose my children and put them in a position where they are left alone without a mother.

There is not a day that goes by that I think about what I've done and how sorry I am. The day I turned myself in I was scared and terrified because I didn't know what to expect. But during the time I was getting processed not only was I terrified all I could think about was why I was there and how wrong I was for what I did. During this process I've reflected on my mistakes which I will never make again and treasured every single day. Not a day goes by that I am terrified not knowing what will happen to my kids. They don't have anyone but me and I don't want them to punish because of what I did.

My father died on May 3rd from the virus. He suffered for a month before he gave up. The day he left home for the hospital he looked up at me and waived not knowing I will never see him again. I was able to see him once in the ICU when he was on the respirator and the next time I saw my father was when I had to identify his body. I've been thru a lot with my father. His abuse with alcohol [REDACTED] but I still loved my father. His death, the emotional pain and heartache was unbearable and is still painful. I realize so much more during this time that tomorrow is not promised, every single day is a blessing and to treasure my life with those around me. I do not want to lose a second with my children or my mother because they need me the most especially now.

Your Honor I wish I never did what I did and I know I should be punished for what I did. During the time before my sentence I've been working and following every rules and regulations. I'm asking you Judge Swain to please give me a chance to prove that I am a better person and have learned my lesson. Please don't take me away from my children. I'm working fulltime and want to start my restitution as soon as I can to the victims that's been affected by my crime. I will keep working on being a better person for myself and my children.

Respectfully,

Elizabeth Achan

EXHIBIT B

Honorable Judge Laura Taylor Swain
United States District Judge

Dear Judge Swain,

I'm writing this statement regarding my mother Elizabeth Achan. There is not much I can really say about the situation except how difficult it will be for me and my younger brother to live without our mother who has been our mother and father all together. I was raised just with her so if there's any questions about my mother's struggles I know all of them because I've witnessed seeing tears drop from her eyes for hours because of how much she holds on her back from raising two kids and keeping a roof over our heads. I've witnessed her get emotionally abused by my father and my brother's father, I've watch men put my mother down as a woman to make her feel worthless, and for her to be this strong it just shows me what type of person she is. She is not a bad person, she has made some bad decisions, but truthfully I know in my heart she regrets each and every decision and if she can go back and change things she would. I know my mother works to provide for me and my brother and we are the 2 things that motivate her to wake up in the morning and to not just give up on everything. My mother has taught me how to pick up a pencil all the way on how to drive a car. She's my rock, without her in my life I wouldn't know how go about my day. I can't imagine having to dial a number that's notifying me that the call is being recorded and only having certain amount of time to speak to her, it's not a life I want to live and it's not something I want to see my mother go through. Especially after all the years and work she has put into raising me and my brother as a single mother without having a hand to hold at night for comfort when she stressed from work I was the hand and baby all the way to a teenage young lady that she needed to hold just so she can feel better about her day. It hurts me to see my mother struggling and having to go through this and not knowing if I'm going to be able to see her when I wake up and come back home from work every day. It's not something that sits right with me as her daughter whose seen this woman get emotionally broken down and hurt by those around her and I know if my mother would never see her kids again and knowing she put herself in this situation is killing her and disappointing her as mother knowing that she might not see us anymore, I know and I can see in my mother's eyes each and every day that she is hurting inside. I've never seen someone go through so much at once but still be able to get up every day and get what she needs done and its powerful to see it. Yes she did something wrong yes she has made bad decisions but as her daughter no one can ever say to me she isn't a good mother and because of what she did it doesn't change how I feel. I need you and her to know that no matter what she will forever be a hardworking loving mother who dearly loves her children. But I just can't give up on her even if other's think she deserves to be taken from her kids I can't let her go without me. Me and my brother have no one, there's no one else that's there to be the person she is for us and to us. Judge I ask and beg you to please not take my mother away from me and my brother.

Sincerely,



EXHIBIT C

Dear,
Judge Swain,

Happy New Year's. I hope all is well. My name is Hamlet Achan, Brother of Elizabeth Achan. I am one of the four sibling and the oldest boy of the bunch. I'm writting this letter in behalf of my sister (Elizabeth Achan) to show you why she shouldn't be incarcerated.

First I will give you a little background of how we grew up. My father, may he rest in piece, came to America with his four children at very young ages. He then brong my mother a while later. My parent were very strict. Growing up we didnt really have much, but my parent's worked very hard so we could have food and shelter. We were deffinitly on the poor side.

Elizabeth was the oldest and responsible for us all. She had to grow up fast and take on alot of responsability. I believe this is why she's a great parent, sister and person. She (Elizabeth) has a daughter named [REDACTED] and a son [REDACTED] who she's been raising on her

own since they were born. She (Elizabeth) would do anything for them. As a sister she's always had been there for me no matter what. Even as a person, even if she didn't know you, she would help you in any way possible.

This year due to covid 19, my father past away (god bless his soul). It has been devastatating for my family, especially for my mother. Elizabeth lives above my mother on the second floor where she rents. She lives there with her two children and is the only one who work's and pay's for the apartment. She has been there a great deal to suport my mother in the traumatizing moment in our lives. Thank's to her mostly for helping my mom cope with the loss.

I now plea to you Judge Swain, to please, please, do not incarcerate Elizabeth Achan. I am certain, that she regrets all her wrong's and have learned from this. I know she wishes she could turn back the hands of time, but we're here at this moment in time, in which

I ask that you please take into consideration of the loss we have taken already, meaning the loss of my father. To have to lose Elizabeth for any period of time, especially for my mother's sake.

Judge Swain, I plea to you to take into consideration that Elizabeth is the only parent and Emotional and financial support for her children. I please ask for your consideration, not just her mother, not her sibling, not for the people who love her, but for her children who would be mostly devastated and lost without her.

I thank you,
Judge Swain for reading
my letter and pray that you
do consider not incarcerating
Elizabeth Achan

Her family, the people who
know and love her,
Especially her loving
children [REDACTED]

[REDACTED]
[REDACTED] your sincerely
consideration... Thank you !!

EXHIBIT D

1-13-2021

Dear Judge Swain,

My name is Hamlet Achan Jr. and I'm writing this letter on behalf on my Aunt/Mother Elizabeth Achan. The last year has been a long, stressful, heart breaking, and yet life teaching road for my Aunt. May 3rd unfortunately my grandfather passed away and it's been very hard. I honestly don't know how she ever dealt with that and her case at the same time. She went through a lot with my grandpa, who I'll refer to as Papa to keep it short. Growing up Titi Liz and her siblings dealt with seeing abuse, and through all of that her love for her parents stayed strong. He got older and changed, and that change of course was for the better. They had a really strong relationship and witnessing it for myself, I've never met a Woman other than my Aunt who was this much invested in taking care of her family. This is why I also called her my Mother. My birth mom was never around so growing up I always had my grandparents, and my aunt was and is like the Mother that understands your feelings and gives great advice on a situation. She has always taken care of me like her own since I was born. She helped me through school before I stopped needing help, but even after that whether it was algebra or an essay. My Aunt Elizabeth for the lasts 20 years has been one of 3 role models I have in my life. She is the only person in my family to be the most successful at keeping a roof not only over her head but her children's. A true mother figure in my book, and the way I've seen her take care of my cousins [REDACTED] and [REDACTED] is amazing. Not only because she is raising them on her own, but because all the stuff she did for me she is doing for them. Titi Liz always made sure they had what they needed, made sure they are excelling in school, and heavily encourages them and me to only make good decisions in life. She is our rock as much as we are hers. Pretty much for the entire family, I honestly don't know how my grandma would've dealt with Papa's passing without her. I'm not just saying this because she lives on the floor right above us, but because she did it way before. It's just me, grandma, and my dog in my house, but my aunt pretty much lived down here the first 4 months. She kept my grandma company, she always cheered her up, took her to home depot or the supermarket, cooked with her, and most importantly tried to make sure nobody took advantage of her just because my grandpa wasn't here. All while mourning him herself and dealing with her case. This whole case has been very eye opening for her, as I said before this last year has been life teaching. A real-time life lesson she will never forget. I can't tell you how many conversations we've had where she has expressed her feelings of remorse. During the time of her crime she was going through a lot; There was an abusive relationship around the time which wasn't her first, and as I'M getting to this point with her case here is a good example. People don't just change their ways, they have to want to change and not for others for themselves. After that relationship I saw that she had a lot more respect for herself. She also wasn't too successful financially stable around this time and all that stress can make a person do something stupid to be blunt about it. But I ask you this Judge Swain, should a single mother who hasn't committed murder, or sold drugs/guns, or any other bizarre offense, who has learned

their lesson be incarcerated? You can rebuttal by asking how do I know she learned her lesson but trust me I've seen it in her eyes and I hear it in her voice. Her kids are the most important part of her life, the idea and possibility of her not being there for their most important years is tearing her apart. To her every year is important, the little things she does and the big things she does. All she does, the money she makes, the food she cooks, the water parks she would take us to is all for her kids. At this point I don't see this case as her fighting for her freedom, she's fighting to be in her kids' lives. Yes, what she did was wrong but she knows that now and has been paying mentally and physically for several months. I believe it to be an injustice to take her away from her kids. [REDACTED] is only 6 and understands a lot more than you would think. He is so attached to his mom I think even more than his sister at that age. An innocent boy losing his mother for however long you might be considering would be awful for him. She is the only one making sure this kid is learning how to read, write, and do math. I've seen her teach him so much during quarantine even I was surprised. She has great patience with him, I can tell he's gonna be a momma's boy. I fear if you take her away from him he might fall behind in school and not be as kind hearted. If she gets incarcerated she won't be able to watch her daughter become a young woman, she won't be able to comfort her during her heart breaks, or give advice for whatever high school drama kids go through. Whether you're considering 1,2,3,4, or 5 years every single day is important to her. Judge Swain I ask and plead with you not to give her time in prison. I don't know what this family would be without her. She was the only one taking care of her parents, she took care of 3 children pretty much (4 if you count the dog), for as long as I've known her she has always put family first. The times she has done anything for herself is so scarce one could say she needs to get a life or go make some friends. With all she has gone through in 2020 please don't incarcerate her, I think heart break and fear of losing her freedom has taken a great enough toll on her. And I wanna see her smile for once with relief that she gets to be part of her kids' lives.

Sincerely,
Hamlet Achan Jr.